1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 9 AT TACOMA 10 JULIO CASTILLA, 11 Plaintiffs, Case No. C10-5684 RJB/JRC 12 ORDER ON REPORT AND 13 v. RECOMMENDATION 14 RONALD VAN BOENING, et al., 15 Defendants. 16 17 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. 18 Richard Creatura (Dkt. 25), objections to the Report and Recommendation (Dkt. 27), and the 19 remaining record, does hereby find and **ORDER**: 20 1. The record does not show that defendant Rick Minich has been served. An order of default is therefore not warranted. The Court ADOPTS the Report and 21 Recommendation insofar as the magistrate judge recommended that the motion for 22 default be denied. Plaintiff's motion for default is **DENIED**. 23 2. It is unclear from the record whether plaintiff provided a current address and the appropriate forms necessary for the U.S. Marshal to effectuate service on Mr. 24 Minich. On March 23, 2011, plaintiff filed a motion requesting additional time to 25 serve defendants who have not been properly served. Dkt. 28. The issues regarding service, including service on Mr. Minich, should be determined by the 26 magistrate judge. ORDER - 1

3. This matter, including all pending motions, is **RE-REFERRED** to the magistrate judge.

4. The Clerk is directed to send a copy of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 1st day of April, 2011.

ROBERT J. BRYAN

United States District Judge